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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,

v.

JOHN DOES 1-5, CONTROLLING  
COMPUTER BOTNETS AND THEREBY  
INJURING PLAINTIFF AND ITS  
CUSTOMERS,

Defendants.

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U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

**CV 15-6565**

**GLEESON, J.**

**BLOOM, M.J.**

Index No.

**FILED UNDER SEAL**

**APPENDIX OF EVIDENCE**

Plaintiff Microsoft Corporation (“Microsoft”) submits this Appendix of Evidence in support of their *Ex Parte* Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction.

**DECLARATION OF RODELIO G. FIÑONES**

1. Exhibit 1 – Curricula Vitae of Rodelio G. Fiñones [FILED UNDER SEAL]
2. Exhibit 2 – List of Ramnit Botnet command and control Internet Domains [FILED UNDER SEAL]
3. Exhibit 3 – Dorkbot Advertisement [FILED UNDER SEAL]
4. Exhibit 4 – A March 13, 2012 article from Tech Net entitled, *MSRT March 2012: Breaking Bad* [FILED UNDER SEAL]
5. Exhibit 5 – Microsoft Malware Protection Center page re Win32/Dorkbot [FILED UNDER SEAL]
6. Exhibit 6 – A November 21, 2012 article from Tech Net entitled, *An analysis of Dorkbot’s infection vectors (part 2)* [FILED UNDER SEAL]
7. Exhibit 7 – A November 14, 2012 article from Tech Net entitled, *An analysis of Dorkbot’s infection vectors (part 1)* [FILED UNDER SEAL]
8. Exhibit 8 – A 2013 document from Microsoft entitled, *Evaluating Microsoft’s protection performance and capabilities* [FILED UNDER SEAL]
9. Exhibit 9 – Symantec Security Response webpage re W32.Inabot [FILED UNDER SEAL]
10. Exhibit 10 – Microsoft Malware Protection Center page re Win32/Crowti [FILED UNDER SEAL]
11. Exhibit 11 – Microsoft Malware Protection Center page re TrojanClicker: Win32/Gingplog.A [FILED UNDER SEAL]
12. Exhibit 12 – Microsoft Malware Protection Center page re Trojan: Win32/Fleercivet.B [FILED UNDER SEAL]
13. Exhibit 13 – Microsoft Malware Protection Center page re Trojan: Win32/Lethic.I [FILED UNDER SEAL]
14. Exhibit 14 – Microsoft Malware Protection Center page re Trojan: Win32/Mustrat.A [FILED UNDER SEAL]

15. Exhibit 15 – Microsoft Malware Protection Center page re Trojan: Win32/Necurs [FILED UNDER SEAL]
16. Exhibit 16 – Microsoft Malware Protection Center page re Win32/Neurevt [FILED UNDER SEAL]
17. Exhibit 17 – Microsoft Malware Protection Center page re Win32/Cutwail [FILED UNDER SEAL]
18. Exhibit 18 – Microsoft Malware Protection Center page re Worm: Win32/Gamarue.A [FILED UNDER SEAL]
19. Exhibit 19 – Microsoft Malware Protection Center page re Worm: Win32/Kasadit.A [FILED UNDER SEAL]
20. Exhibit 20 – Trend Micro Threat Encyclopedia entry re Worm\_Dorkbot [FILED UNDER SEAL]
21. Exhibit 21 - A July 10, 2014 article from Fortinet entitled, *New Version of NgrBot Wipes Hard Drives* [FILED UNDER SEAL]
22. Exhibit 22 – July 19, 2014 Fortinet Dorkbot article [FILED UNDER SEAL]
23. Exhibit 23 – Windows 2000 User Agreement [FILED UNDER SEAL]
24. Exhibit 24 – Windows XP User Agreement [FILED UNDER SEAL]
25. Exhibit 25 – Windows 7 User Agreement [FILED UNDER SEAL]
26. Exhibit 26 – Windows Server 2003 User Agreement [FILED UNDER SEAL]
27. Exhibit 27 – Windows 8 User Agreement [FILED UNDER SEAL]
28. Exhibit 28 – Windows 8.1 User Agreement [FILED UNDER SEAL]
29. Exhibit 29 – Windows Server 2008 User Agreement [FILED UNDER SEAL]
30. Exhibit 30 – Windows 10 User Agreement [FILED UNDER SEAL]
31. Exhibit 31 – Microsoft user post from September 17, 2013 entitled, *Infected with Worm: Win32/Dorkbot.I – Need of Recovering External USB data* [FILED UNDER SEAL]
32. Exhibit 32 – Microsoft user post from 2011 entitled, *Can NOT fully remove Win32 Dorkbot virus* [FILED UNDER SEAL]
33. Exhibit 33 – Microsoft user post from July 28, 2012 entitled, *Help with Nayrabot, Dorkbot and Dofoil* [FILED UNDER SEAL]

**DECLARATION OF JASON B. LYONS**

1. Exhibit 1 – Curricula Vitae of Jason B. Lyons [FILED UNDER SEAL]

**DECLARATION OF JEFFREY L. COX**

1. Exhibit 1 – Appendix A to the Complaint [FILED UNDER SEAL]
2. Exhibit 2 – ICANN’s *WHOIS Proxy/Privacy Abuse Study* [FILED UNDER SEAL]
3. Exhibit 3 – ICANN’s About Us [FILED UNDER SEAL]
4. Exhibit 4 – ICANN’s 2013 Registrar Accreditation Agreement [FILED UNDER SEAL]
5. Exhibit 5 – Uniform Domain Name Dispute Resolution Policy [FILED UNDER SEAL]
6. Exhibit 6 – Rules for Uniform Domain Name Dispute Resolution Policy [FILED UNDER SEAL]
7. Exhibit 7 – Public Domain Registry, Ltd.’s Registrar-Registrant Agreement [FILED UNDER SEAL]
8. Exhibit – 8 *Ex Parte* Temporary Restraining Order and Order to Show Cause in the matter of *FTC v. Pricewert LLC, et al.*, Case No. 09-2407 (N.D. Cal., Whyte J.) [FILED UNDER SEAL]
9. Exhibit 9 – Preliminary Injunction in the matter of *FTC v. Pricewert LLC et al.*, Case No. 09-2407 (N.D. Cal., Whyte J.) [FILED UNDER SEAL]
10. Exhibit 10 – Indictment and supporting materials in the criminal case *U.S. v. Ancheta*, Case No. 05-1060 (C.D. Cal. 2005) [FILED UNDER SEAL]
11. Exhibit 11 – Sentencing in the criminal case *U.S. v. Ancheta*, Case No. 05-1060 (C.D. Cal. 2005) [FILED UNDER SEAL]
12. Exhibit 12 – *Ex Parte* Temporary Restraining Order and Order to Show Cause in the matter of *Microsoft Corporation v. John Does 1-27*, Case No. 1:10-cv-00156 (E.D. Va., Brinkema J.) [FILED UNDER SEAL]
13. Exhibit 13 – Order Granting Preliminary Injunction in the matter of *Microsoft Corporation v. John Does 1-27*, Case No. 1:10-cv-00156 (E.D. Va., Brinkema J.) [FILED UNDER SEAL]

14. Exhibit 14 – *Ex Parte* Temporary Restraining Order and Order to Show Cause in the matter of *Microsoft v. John Does 1-11*, Case No. 2:11-cv-00222 (W.D. Wa. 2011) [FILED UNDER SEAL]
15. Exhibit 15 – Order for Preliminary Injunction in the matter of *Microsoft Corporation v. John Doe 1-11*, Case No. 2:11-cv-00222 (W.D. Wa. 2011) [FILED UNDER SEAL]
16. Exhibit 16 – *Ex Parte* Temporary Restraining Order and Order to Show Cause in the matter of *Microsoft Corporation v. Dominique Alexander Piatti, et al.*, Case No. 1:11-cv-01017 (E.D. Va. 2011) [FILED UNDER SEAL]
17. Exhibit 17 – Preliminary Injunction in the matter of *Microsoft Corporation v. Dominique Alexander Piatti, et al.*, Case No. 1:11-cv-01017 (E.D. Va. 2011) [FILED UNDER SEAL]
18. Exhibit 18 – *Ex Parte* Temporary Restraining Order, Seizure Order and Order to Show Cause in the matter of *Microsoft Corporation et al. v. John Does 1-39 et al.*, Case No. 12-cv-1335 (E.D.N.Y. 2012) [FILED UNDER SEAL]
19. Exhibit 19 – Order for Preliminary Injunction in the matter of *Microsoft Corporation et al. v. John Does 1-39, et al.*, Case No. 12-cv-1335 (E.D.N.Y. 2012) [FILED UNDER SEAL]
20. Exhibit 20 – *Ex Parte* Temporary Restraining Order and Order to Show Cause in the matter of *Microsoft Corporation v. Peng Yong, et al.*, Case No. 1:12-cv-1004-GBL (E.D. Va. 2012) [FILED UNDER SEAL]
21. Exhibit 21 – *Ex Parte* Temporary Restraining Order and Order to Show Cause in the matter of *Microsoft Corporation v. John Does 1-18, et al.*, Case No. 1:13-cv-139-LMB/TCB (E.D. Va. 2013) [FILED UNDER SEAL]
22. Exhibit 22 – Preliminary Injunction in the matter of *Microsoft Corporation v. John Does 1-18, et al.*, Case No. 1:13-cv-139-LMB/TCB (E.D. Va. 2013)
23. Exhibit 23 – *Ex Parte* Temporary Restraining Order and Order to Show Cause in the matter of *Microsoft v. John Does 1-82*, Case No. 3:13-cv-00319-GCM (W.D.N.C. 2013) [FILED UNDER SEAL]
24. Exhibit 24 – Preliminary Injunction in the matter of *Microsoft v. John Does 1-82*, Case No. 3:13-cv-00319-GCM (W.D.N.C. 2013) [FILED UNDER SEAL]
25. Exhibit 25 – *Ex Parte* Temporary Restraining Order and Order To Show Cause in the matter of *Microsoft Corporation v. John Does 1-8 et al.*, Case No. A13-cv-1014-SS (W.D. Tex. 2013) [FILED UNDER SEAL]

26. Exhibit 26 – *Ex Parte* Temporary Restraining Order and Order To Show Cause in the matter of *Microsoft v. John Does 1-8*, Case No. 1:14-cv-811-LO-IDD (E.D. Va. 2014) [FILED UNDER SEAL]
27. Exhibit 27 – Preliminary Injunction in the matter of *Microsoft v. John Does 1-8*, Case No. 1:14-cv-811-LO-IDD (E.D. Va. 2014) [FILED UNDER SEAL]
28. Exhibit 28 – *Ex Parte* Temporary Restraining Order and Order to Show Cause RE Preliminary Injunction, in the matter of *Microsoft v. John Does 1-3*, Case No. 1:15-cv-240-LMB/IDO (E.D. Va. 2015) [FILED UNDER SEAL]
29. Exhibit 29 – Preliminary Injunction in the matter of *Microsoft v. John Does 1-3*, Case No. 1:15-cv-240-LMB/IDO (E.D. Va. 2015) [FILED UNDER SEAL]
30. Exhibit 30 – Joyce E. Cutler, *White House Advisor Schmidt Discusses Online Trusted ID Plan, Fighting Botnets* [FILED UNDER SEAL]
31. Exhibit 31 – ICANN’s *Guidance for Preparing Domain Name Orders, Seizures & Takedowns* [FILED UNDER SEAL]

Dated: November 22, 2015

Respectfully submitted,

Orrick, Herrington & Sutcliffe LLP

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